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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2162

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/904,174

Applicant(s)

RISING ET AL.

Examiner

Jean M Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,8-11,13-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-11,13-15,17-20,22-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 16, 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on July 27, 2004, in which claims 1-2, 4-6, 8-11, 13-20 and 22-26 are presented for further examination.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the limitations “numerical values representing confidence in the correspondence fuzzy relationship” and “modifying the numerical values representing the confidence in response to changes in the parameter as the multimedia sequence progresses” as described in the claims 1, 9 and 18. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MEP. 608.02(d). Applicant(s) is (are) reminded that under 37 CFR 1.83(a), the drawings must show every feature of the invention specified in the claims. Therefore, all the limitations of the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-2, 4-6, 8-11, 13-20 and 22-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no where in the specification that details the use of “representing confidence in the corresponding fuzzy relationship” and “modifying the numerical values representing the confidence in response to changes in the parameter as the multimedia sequence progresses” as mentioned in claims 1, 9 and 18. The information given in the claims does not described the specification in a way to enable one having ordinary skill in the art to make and use the invention. Applicants are advised to amend the specification and provide a detail explanation as to where each claim language is described in the specification or cancel the limitations from the claims. Applicants are reminded that new matter should be added.

***Claim Rejections - 35 U.S.C. 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2162

6. Claims 1-2, 4-6, 8-11, 13-15, 17, 20, 22-24 and 26 as best understood by the examiner are rejected under 35 U.S.C. 102(b) as being anticipated by Seagraves US Patent No. 5,652,880.

As to claim 1, as best understood by the examiner, Seagraves discloses the claimed □writing a description between the entities, the description containing relations□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61); □determining the relations that may be represented by parameters, each parameter having a numerical value□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61); and □obtaining from the user the numerical value for the parameter□(col.2, lines 17-22; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 2, as best understood by the examiner, Seagraves discloses the claimed □combining a state DS with an additional field in a Graphtype DS□□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 4, as best understood by the examiner, Seagraves discloses the claimed □running, by a user, a query based on membership in the relation□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 5, Seagraves discloses the claimed □writing a description between the entities, the description containing relations□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61); □determining the relations that may be represented by parameters, each parameter having a numerical value□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63;

Art Unit: 2162

col.8, lines 26-61); and □obtaining from the user the numerical value□(col.2, lines 17-22; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 6, as best understood by the examiner, Seagraves discloses the claimed □combining a State DS with an additional field in a GraphTypeDS□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 8, as best understood by the examiner, Seagraves discloses the claimed □performing a query based on membership in one of the relations□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 9, as best understood by the examiner, Seagraves discloses the claimed □dynamically deriving a confidence value for the fuzzy relation from a parameter associated with one of the description schemes, the confidence value representing a degree to which the fuzzy relation is a member of a subset of relations among the description schemes□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 10, as best understood by the examiner, Seagraves discloses the claimed □wherein the parameter is an attribute value□(col.2, lines 17-22; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

Art Unit: 2162

As to claim 11, as best understood by the examiner, Seagraves discloses the claimed

□dynamically derived from a set of parameters associated with the description schemes□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 13, as best understood by the examiner, Seagraves discloses the claimed □wherein the description schemes represent entities in the multimedia sequence, the fuzzy relation represents a relationship between the entities, and the confidence value represents a state of the relationship□ (col.2, lines 17-22; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 14, as best understood by the examiner, Seagraves discloses the claimed □wherein the state of the relationship is described by a state description scheme that specifies the parameter□ (col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 15, as best understood by the examiner, Seagraves discloses the claimed □associating the description schemes with a set of vertices in a graph and the subset of relations with a set of edges among the set of vertices□(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61); and □calculating the confidence value of the fuzzy relation using a membership function based on graph mapping□(col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

Art Unit: 2162

As to claim 17, as best understood by the examiner, Seagraves discloses the claimed □ writing the graph without the edge representing the fuzzy relation if the confidence value is zero □ (col.2, lines 14-17; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claims 18-20 and 22-24 and 26 are computer readable medium having executable instruction to perform the method of claims 9-10, 12-17. They are, therefore, rejected under the same rationale.

*Allowable Subject Matter*

7. Claims 16 and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

8. Applicant's arguments filed July 27, 2004 have been fully considered but they are not persuasive. (see Examiner's remark below).

**Remark**

(A). Applicants (page 7) asserted that conventional features of the invention, such as Applicant's claimed computer readable medium, whose detailed illustration is not necessary to understand the invention do not have to be shown in the drawings. In response to the applicants' assertion, the examiner recognizes that it is not necessary to in the specification the use of a computer readable medium as long the specification describes the use of a computer system. So a computer readable medium is inherently incorporated.



Art Unit: 2162

(B). Applicants (page 7) asserted that the examiner failed in the rejection mailed on August 27, 2003 to point out the claimed elements that not illustrated in the specification. In response, the examiner had respectfully submitted that “representing confidence in the corresponding fuzzy relationship” and “modifying the numerical values representing the confidence in response to changes in the parameter as the multimedia sequence progresses” as mentioned in claims 1, 9 and 18 are not described the specification in a way to enable one having ordinary skill in the art to make and use the invention. Applicants are advised to amend the specification or cancel the limitations from the claims. Applicants are reminded that new matter should be added.

(C). Applicants asserted that Goke does not support the examiner reasons for rejection of teaching the applicant’s claimed element “modifying the confidence value in response to changes in the parameter as the multimedia sequence progresses”. The examiner disagrees with the precedent assertion. The examiner kindly submits that the appellant misread the applied references. However, when read and analyzed in light of the specification, the invention as claimed does not support applicants’ assertions. Actually, applicants are interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein Goke fails to teach applicant’s claimed element “modifying the confidence value in response to changes in the parameter as the multimedia sequence progresses”, was unsupported by objective factual evidence and was not found to be substantial evidential value. For this assertion to have merit, it is important to applicants provide some forms of evidence that convincingly show that examiner’s references do not meet the claims language. It is important to note that the limitation the Applicants are relied upon is not described the

Art Unit: 2162

specification in a way to enable one having ordinary skill in the art to make and use the invention. Furthermore, applicants are reminded that 37 CFR 1.111(b) states, “a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section”. Thus, applicants’ assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. Therefore, Applicants are advised to show where in the specification the abovementioned limitation is described.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2162

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Tuesday - Friday (7:30 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

October 31, 2004